

Marc E. Elias\*  
Elisabeth C. Frost\*  
John M. Geise\*  
Mollie DiBrell\*  
Alexander Atkins\*  
**ELIAS LAW GROUP LLP**  
10 G Street NE, Suite 600  
Washington, DC 20002  
Phone: (202) 968-4513  
Facsimile: (202) 968-4498  
melias@elias.law  
efrost@elias.law  
jgeise@elias.law  
mdibrell@elias.law  
aatkins@elias.law

Roy Herrera (Bar No. 032901)  
Daniel A. Arellano (Bar No. 032304)  
Jillian L. Andrews (Bar No. 034611)  
**HERRERA ARELLANO LLP**  
530 East McDowell Road, Suite 107-150  
Phoenix, Arizona 85004-1500  
Telephone: (602) 567-4820  
roy@ha-firm.com  
daniel@ha-firm.com

*Attorneys for Plaintiff Mi Familia Vota in  
Matter No. 2:22-cv-00509-SMB  
\*Applications for admission pro hac vice  
forthcoming*

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Mi Familia Vota,

Plaintiff,

v.

Katie Hobbs, in her official capacity as  
Arizona Secretary of State, et al.,

Defendants.

Case No. 2:22-cv-00509-SMB

**PLAINTIFF'S NOTICE IN  
RESPONSE TO COURT'S APRIL 1,  
2022 ORDER AND MOTION TO  
STAY CONSIDERATION OF  
TRANSFER REQUEST**

1 Plaintiff Mi Familia Vota, by and through its undersigned attorneys, files this notice  
 2 in response to this Court’s April 1, 2022 order. While Plaintiff does not currently intend to  
 3 oppose the transfer motion, it requests that the Court stay its consideration regarding the  
 4 motion to transfer until the pending transfer request described below in *League of United*  
 5 *Latin American Citizens v. Hobbs*, No. 2:17-cv-04102-DGC (“*LULAC*”), is resolved.  
 6 Plaintiff makes this request in the interest of judicial economy.

7 A stay is appropriate here for two reasons. First, Plaintiff does not believe this matter  
 8 is related to the earlier action in *Mi Familia Vota et al v. Hobbs et al*, No. 2:21-cv-01423-  
 9 DWL (“*Mi Familia I*”), and would oppose consolidation with that matter as suggested by  
 10 the Attorney General’s motion. See Attorney General’s Mot. to Transfer Related Case,  
 11 ECF No. 5-1 at 2. Second, this case shares many common features with *Living United for*  
 12 *Change in Arizona v. Hobbs*, No. 2:22-cv-00519-SRB, (D. Ariz. Mar. 31, 2022)  
 13 (“*LUCHA*”), which was filed the same day as this matter and concerns the same recently  
 14 passed law, and in which Plaintiff understands the Attorney General intends to intervene.  
 15 That case was filed as related to *LULAC*, a matter previously before Judge Campbell which  
 16 dealt with similar issues concerning Arizona’s proof of citizenship requirement for voting.  
 17 See Civil Cover Sheet, ECF No. 1-1, *Living United for Change in Arizona v. Hobbs*, No.  
 18 2:22-cv-00519-SRB, (D. Ariz. Mar. 31, 2022). The plaintiffs in *LUCHA* have accordingly  
 19 filed a motion to transfer under Local Rule 42.1 in *LULAC*. See Mot. to Transfer Related  
 20 Case, ECF No. 57, *League of United Latin American Citizens v. Hobbs*, No. 2:17-cv-  
 21 04102-DGC (D. Ariz. April 5, 2022) (attached hereto as Exhibit A). Given the similarities  
 22 between this matter, *LUCHA*, and *LULAC*—as well as the differences between this case  
 23 and *Mi Familia I*—Plaintiff believes it would make the most sense for the Court to stay  
 24 consideration of the Attorney General’s motion to transfer until the pending motion is  
 25 resolved by Judge Campbell, as it may be most efficient for both this matter and the  
 26 *LUCHA* matter to proceed before Judge Campbell.

27 There are two principal reasons this case is different from *Mi Familia I*. First,  
 28 contrary to the Attorney General’s assertions, these cases do not involve substantially the  
 same parties or counsel. While Mi Familia is involved as a plaintiff in both cases, *Mi*  
*Familia I* involves three additional co-plaintiffs. Mi Familia is also represented by different

1 counsel in both matters. While some of Mi Familia’s counsel in *Mi Familia II* represent  
2 Plaintiff-Intervenors DSCC and DCCC in *Mi Familia I*, this fact—if anything—  
3 demonstrates that the cases address different issues. While the Defendants are the same,  
4 this is due to their relationship to the laws at issue. If having the same defendants in  
5 challenges to Arizona election laws meant the suits were related under LRCiv. 42.1, then  
6 almost every election-related lawsuit in this district would end up before the same judge.  
7 That is not consistent with the rule’s purpose.

8 Second, these cases involve different laws and different causes of action. *Mi Familia*  
9 *I* concerns two bills passed in the 2021 legislative session, Senate Bill 1485, which will  
10 purge voters from Arizona’s popular permanent early voting list if the voters do not cast a  
11 mail-in ballot in two consecutive election cycles, and Senate Bill 1003, which requires  
12 voters who submit early ballots without a signature to “cure” those ballots even though  
13 signatures that are alleged to be “inconsistent” with the signature on the voter’s registration  
14 record may be cured up to five business days after an election. *See* Compl. ¶ 1, *Mi Familia*  
15 *I*, ECF No. 1. Plaintiffs argue that, in addition to constituting an undue burden on the right  
16 to vote, the laws at issue were passed with discriminatory purpose and constitute intentional  
17 racial discrimination. *Id.* ¶¶ 136-145. These claims will require discovery concerning the  
18 legislature’s intent.

19 *Mi Familia II* involves a different law passed in a different year concerning proof  
20 of citizenship for registration. Specifically, *Mi Familia II* concerns House Bill 2492,  
21 legislation passed just last week that will require new registrants using the federal  
22 registration form required by the National Voter Registration Act (“NVRA”) (the “Federal  
23 Form”) to provide additional proof of citizenship if they want to vote in presidential  
24 elections or vote early by mail for *any* office, prohibit those currently registered using the  
25 Federal Form who registered without proof of citizenship from voting by mail or in  
26 presidential elections, and require long-registered Arizonans who never had to provide  
27 proof of citizenship to locate and present additional documentation to vote in presidential  
28 elections. Compl. ¶ 3. Plaintiff brings claims alleging an undue burden on the right to vote  
and violations of procedural due process. *Id.* ¶¶ 68-77. Plaintiff does not currently bring  
any claims concerning the legislature’s intent.

1 The only overlap in the cases as currently pleaded, then, is that both cases bring  
 2 claims that different Arizona laws dealing with different parts of the voting process passed  
 3 in different years constitute an undue burden on the right to vote. The Ninth Circuit has  
 4 explained that claims concerning an undue burden on the right to vote involve a fact-  
 5 intensive inquiry, so cases that raise that same legal theory but as to different laws with  
 6 different facts do not necessarily have much in common. *See, e.g., Soltysik v. Padilla*, 910  
 7 F.3d 438, 450 (9th Cir. 2018).

8 Arizona has a long and complex history of applying different registration and voting  
 9 requirements to different voters based on proof of citizenship requirements, a line of cases  
 10 to which *Mi Familia II* is far more similar. *See Arizona v. Inter Tribal Council of Ariz.,*  
 11 *Inc.*, 570 U.S. 1, 15 (2013); Consent Decree at 7-16, *League of United Latin Am. Citizens*  
 12 *Ariz. v. Reagan*, No. 2:17-cv-04102-DGC (D. Ariz. June 18, 2018), ECF No. 37 (“Consent  
 13 Decree”). Indeed, on the same day *Mi Familia II* was filed, *LUCHA* was filed as related to  
 14 *LULAC*. While *LUCHA* is currently before Judge Bolton, there is a pending motion to  
 15 transfer the matter to Judge Campbell given its relationship to *LULAC*. *See Ex. A.*<sup>1</sup>

16 While Plaintiff does not oppose transfer before this Court, it believes the Court  
 17 should stay its consideration of the motion to transfer until the transfer motion that is  
 18 pending in *LUCHA* and *LULAC* is addressed given the substantial similarities between this  
 19 litigation, *LUCHA*, and *LULAC*. If *LUCHA* proceeds before Judge Campbell, it may make  
 20 the most sense for this matter to as well. Further, for the reasons stated herein Plaintiff  
 21 believes this matter does not have a significant relationship to *Mi Familia I* and, at a  
 22 minimum, should certainly not be consolidated with the earlier matter. To the extent the  
 23 Court were to consider consolidation with *Mi Familia I*, Plaintiff would request the  
 24 opportunity to fully brief its opposition to any such consolidation.

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25  
 26 <sup>1</sup> Given the similarity between the issues in this case and those previously adjudicated in  
 27 *LULAC*, this Court may alternatively want to consider voluntarily transferring this case to  
 28 Judge Campbell under LRCiv 42.1(e) for him to determine in the first instance whether  
 this matter and *LUCHA* should be considered by him together and potentially consolidated  
 for some or all proceedings.

1 Dated: April 5, 2022

Respectfully Submitted,

3 /s/ Daniel A. Arellano

4 Roy Herrera (Bar No. 032901)  
5 Daniel A. Arellano (Bar. No. 032304)  
6 Jillian L. Andrews (Bar No. 034611)  
7 **HERRERA ARELLANO LLP**  
8 530 East McDowell Road  
9 Suite 107-150  
10 Phoenix, Arizona 85004-1500  
11 Telephone: (602) 567-4820  
12 roy@ha-firm.com  
13 daniel@ha-firm.com

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19 Phone: (202) 968-4513  
20 Facsimile: (202) 968-4498  
21 melias@elias.law  
22 efrost@elias.law  
23 jgeise@elias.law  
24 mdibrell@elias.law  
25 aatkins@elias.law

21 *Attorneys for Plaintiff Mi Familia Vota in Matter*  
22 *No. 2:22-cv-00509-SMB*

23 *\*Application for Admission Pro Hac Vice*  
24 *Forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of April, 2022, I caused the foregoing to be filed and served electronically via the Court's CM/ECF system upon counsel of record.

/s/ Daniel A. Arellano